

Assembly Bill No. 1070

CHAPTER 181

An act to amend Sections 45285 and 88104 of the Education Code, relating to classified school employees.

[Approved by Governor August 3, 2003. Filed with
Secretary of State August 4, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1070, Laird. Classified school employees: reclassification.

Existing law requires the personnel commission in a school district that has adopted the merit system to classify all employees and positions that do not require certification qualifications or that are otherwise exempted. Other existing law requires the personnel commission of a community college district that has adopted the merit system to classify all employees and positions that are not in academic positions or that are otherwise exempted. All of these classified employees and positions are known as the classified service.

Existing law provides that when all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for 3 or more years may be reclassified with their positions, and when a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of 3 or more years in one or more positions being reclassified may be reclassified with the position. Under existing law, an employee who has been reclassified with his or her position is ineligible for subsequent reclassification for a period of at least 3 years from the initial action.

This bill would decrease all of those 3 year time requirements to 2 years.

The people of the State of California do enact as follows:

SECTION 1. Section 45285 of the Education Code is amended to read:

45285. (a) When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the personnel commission. When a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions

being reclassified may be reclassified with his or her position as provided by personnel commission rule.

(b) The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by personnel commission rules.

(c) An employee who has been reclassified with his or her position is ineligible for subsequent reclassification with his or her position for a period of at least two years from the initial action.

SEC. 2. Section 88104 of the Education Code is amended to read:

88104. (a) When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for two or more years may be reclassified with their positions by the personnel commission. When a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of two or more years in one or more of the positions being reclassified may be reclassified with his or her position as provided by personnel commission rule.

(b) The basis for reclassification of the position shall be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion shall be on the basis of guidelines provided by personnel commission rules.

(c) An employee who has been reclassified with his or her position is ineligible for subsequent reclassification with his or her position for a period of at least two years from the initial action.

